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7 Ethics and Policing in the Emerging EU Internal Security Architecture

Willy Bruggeman and Monica den Boer¹

7.1 Introduction

The European Union (EU) has built an Area of Freedom, Security and Justice, in which various policies have been combined into a strategy for internal security co-operation between the Member States. Several policies have been introduced, of which police co-operation in the form of information-exchange, training and research, crime analysis, crime forecasting, police missions, shared intelligence and joint investigations have been given quite a lot of weight. Quite a few of these developments have been incremental, but from time to time security crises like 9/11 have given a considerable impulse to the establishment of a European policing arena. However, despite the vast volume of instruments that has been realised in the field of policing, a sizable number of these instruments are mere 'soft law instruments', followed by slow or slack implementation in the Member States.² This illustrates the sovereignty-sensitive character of this newly emerging security field, which has been accompanied by global shifts in security, an economic crisis that may affect security expenditure, and eroding popular support for the European enterprise. Law enforcement co-operation in the EU will be developed further in the context of the Lisbon Treaty, the Stockholm Programme and the EU Internal Security Strategy.

This chapter seeks to position the role of ethics in this changing European law enforcement field. We define police ethics as a set of implicit and explicit normative standards for the performance of professional activities. These standards include integrity, independence and neutrality. Law enforcement ethics implies the use of legitimate and

1 The authors are grateful to the anonymous reviewer for very useful comments which we used to improve this chapter. Any omissions or misunderstandings are our responsibility.

2 Communication from the Commission on the European Parliament and the Council. An Area of Freedom, Security and Justice serving the citizen, COM (2009) 262/4. Justice, freedom and security in Europe since 2005: an evaluation of the Hague Programme and Action plan: an extended report on the evaluation of The Hague programme, Brussels, 10.6.2009, SEC (2009) 766 final; SEC (2009) 765 final and SEC (2009) 767 final.

proportionate means, the guarantee of a reliable and effective service to citizens. Furthermore, law enforcement ethics demands a constant moral reflection by professionals on their own conduct in several contexts of policing (e.g. criminal investigation, public order policing, crisis management), and this is part of a culture which can be nourished through leadership, recruitment and training (Choudhary, 2009, p. 100f). In this chapter, we seek to develop the predominantly national thinking about law enforcement ethics to an international level of policing, namely that of the European Union. In doing so, we will primarily focus on the activities of the EU police agency Europol, and the expanding surveillance potential within the European Union. In this chapter, we touch on a variety of questions. Should law enforcement ethics be reconsidered against the background of internationalisation, harshening security climates and the upsurge of surveillance technology? Is it necessary for the EU to update the Council of Europe Code on Police Ethics and should it adopt its own? To what extent is a codified approach to police ethics sufficient? Are there other fields where ethics should come to the fore, such as leadership, management and training? What are good practices in the EU when it comes to police ethics and how can police systems learn from one another? Should we strive for a global constabulary ethic or should there be room for differences? What kind of institutions or oversight bodies do we need in order to ensure an ethical spirit within law enforcement organisations? We seek to deal with these questions by exploring ways in which unethical conduct in law enforcement organisations generates discussion, and we seek to situate relevant arguments in a debate which has been influenced by both theoretical as well as practical arguments. Cases which illustrate the impact of situational factors for law enforcement ethics include the cultivation of ethical police leadership as well as the development of national strategies for police officials. We will then move to the European theatre and explore the ethical challenges propelled by the proactive approach of Europol and by the expanding European surveillance area. The chapter concludes with a normative epilogue about the balance between ethical conduct and appropriate accountability mechanisms.

7.2 Dealing with the Dark Sides of Policing

Under the principle of sovereignty, operational law enforcement activities remain the sole responsibility of the Member States. Not only the national agencies but also the European supporting agencies such as Europol, Eurojust and Frontex are exposed to potential dark sides of policing such as incorrect handling of intelligence, corruption when entering contracts, disproportionate use of violence, etc. As an organisation, the police are part of the reality of society. Police are not immune to corruption, misuse of

power and cynicism.³ The police also have the tendency to gloss over mistakes. If the police organisation wants to be seen as trustworthy, it must recognise its own dark side and find ways of dealing with it. Regular review of dirty business is needed. Individual misbehaviour, the culture and the structure of the organisation, and the large political and economic framework in which the organisation functions, need to be subject of this review procedure. It is obvious that the dark side of policing, such as brutality, corruption and other forms of police deviance, undermine police professionalisation strategies and community involvement.

The causes of corruption include factors that are intrinsic to law enforcement: the nature of police organisations; the characteristics of police culture; the opportunities for corruption; and the nature and extent of the effort invested in the control of corruption. No wonder that modern police organisations all over the world seek to control police deviance and guarantee proper conduct by their officers. If the police want to retain their credibility, they must publicly acknowledge these dark sides because only then will they be able to act appropriately.⁴ Police corruption and the identification of key measures to tackle it will remain a focal point for police leaders. Mostly the efforts to enhance police accountability reveal that they rely on rules and punishment. But there is a growing belief that the answer lies in approaches based on ethics, where accountability rests more on individual responsibility than on external controls and a sanction culture.

Changed political circumstances have led to debate on governance and accountability, leading to more emphasis on performance management on the one hand, and to consideration of ethics and human rights on the other. There is a growing need to explore and determine the best suitable governance mechanisms to ensure that policing is delivered in accordance with the democratic values of justice, equity, accountability and effectiveness.

After all, policing is a 'profession of discretion, of good judgement and, each time, circumstances can require exceptions of the rules'.⁵ The power of the police to fulfil their functions depends upon securing and maintaining community respect and approval, which includes obtaining the community's willingness to cooperate in the task of ensuring safety and security. Therefore the highest integrity standards have to be respected. Integrity is an important but vulnerable quality. Those who want to serve the public interest must be particularly strict with themselves. If you are not honourable yourself, you have no credibility and cannot hold others accountable for

3 Doctors van Leeuwen, A. (2009). *Pearls in policing: Bridging the gap*. Police Academy of the Netherlands, Apeldoorn, p. 26-27.

4 Police Academy of The Netherlands, *Pearls in policing: Bridging the gap*. Police Academy of The Netherlands, Apeldoorn, 2009, 55 (9).

5 Interview with W. Bratton: Policing is a profession of discretion, In: *Wanted, alert police leaders*, Police Academy of The Netherlands, 2009, p. 59.

integrity.⁶ This is true for all police officers, but senior police officers have to engage in the 'conduct of conduct' as they constitute a distinct sub-category amongst the ensemble of governmental authorities (Adlam, 2002). Having said this, how do these norms translate at the practical and national level?

7.3 Police Ethics: Between Theory and Practice

One of the greatest challenges facing law enforcement administrators today is the creation and maintenance of a values-based force or agency consisting of an ethical cadre of officers and supervisors that represent the values of society (Gilmanton, 2008). The police in democracies help to sustain the values of democracy. In general, if the community gives its consent, it may welcome the exercise of legitimate authority by the police as long as the police are seen to be contributing their services towards democratic ends in an ethically acceptable manner. In turn, when they fulfil these conditions, the police may expect that the public will trust them in their activities.

The broadening of the powers and functions of the police to other partners, and also the fact that there is a multilateral co-operation, makes it mandatory for the police (who holds the monopoly of violence) to excel in the field of ethics. Attention for ethical issues is important within police forces generally, and professional improvement is the starting point. Police forces are generally strongly inspired by police laws, values and norms. But the confusion of words, for instance between ethics and deontology, requires a better understanding of ethics. Ethics include generally accepted values and norms (Onderhemd, 1998, pp. 12-13), being those of an organisational nature or professionally based.⁷ Deontology includes rules, norms and values in a specific professional group (Peeters, 2004). Integrity is the absence of corruption, fraud and other forms of illegal conduct (Maesschalk, 2005). Some ethical concepts that are closely connected to human rights, and more specifically, the protection of the right to privacy, are under pressure, not only at national level, but also at European level and more particularly where they involve international co-operation mechanisms.

6 Interview with W. Bratton: Policing is a profession of discretion, In: *Wanted, alert police leaders*, Police Academy of The Netherlands, 2009, p. 59; id, p. 66.

7 For instance, the Australian Council of Profession defines a profession as a disciplined group of individuals who: adhere to high ethical standards and uphold themselves to them; are accepted by the public as possessing knowledge and skills in a widely recognised, organised body of learning derived from education and training at a high level, are prepared to exercise this knowledge and these skills in the interest of the others. Inherent in this definition is the concept that the responsibility for the welfare, health and safety of the community shall take precedence over other consideration. As in other professions, this would provide the police members of the organisation with a defined body of knowledge they must master. It would provide them with broader control over their own work, a better balance between their independence and subordinate, immediate supervision, more responsibility for keeping up to date with practice of their profession (www.professions.com.au/).

Police ethics is a branch of applied normative ethics. Applied ethics is the field that holds ethical theory accountable to practice and professional practice accountable to theory. In general, and compared to medical and business ethics, police ethics is relatively underdeveloped. There are several reasons for this, major ones being the paramilitary philosophy of policing and misunderstanding the need for police ethics. Within the paramilitary philosophy of policing, police officers are assigned the role of executors of orders from their supervisors. Moreover, practitioners are misled by a belief that as long as police officers perform their work strictly according to the law, they do not need police ethics.

Following the postulates of applied ethics, development can be achieved by the joint efforts of police scholars and police practitioners. This development can take place in three interrelated directions (Lewis & Prenzler, 1993): by applying the principles of applied ethics to police profession; by establishing standards of ethical conduct in policing; and by defining the means and content of education and training in police ethics. In addition, police misconduct and corruption can be dealt with in a multi-faceted way that is also pragmatic and responsive to practical considerations.

The approach involves four inter-related principles (Quinton & Miller, 2003, p. 6). These include first of all problem-solving in mapping the key factors of police misconduct and corruption and striving for a reduction of the number of complaints. Second, included in the school of applied police ethics is monitoring and accountability: the effectiveness of problem-solving is likely to rest on the establishment of systems and policies for monitoring and accountability (good governance). A third element is prevention: in general, preventive methods are expected to be more effective in addressing wider casual factors and ongoing problems than disciplinary procedures. Finally, an element of applied police ethics concerns organisational culture: a key issue emerging from research is the need for unethical police cultures to be challenged at an organisational level (id, 2003, p. 7). If police officers experience inconsistent conduct by their supervisors, sooner or later they may adopt a cynical attitude regarding the value and appropriateness of ethical conduct within their organisation. Research has demonstrated the importance of the organisation's moral climate for the behaviour of individual members (Kohlberg, 1984). Conversely, the organisational environment can also promote unethical and criminal conduct (Lewis, 2005). Police supervisors and top management are thought to be responsible for creating a positive moral climate within the police (Neyroud & Beckley, 2001).

Social network researchers bring to our attention several factors which may have an impact on ethical or unethical behaviour of organisational members. In policing, striving to achieve a climate of integrity of all police officers and supervisors, including top management, is regarded as vital. Legitimacy and public trust are key success factors for the police (Choudhary, 2009, p. 105). Legitimacy is a container concept and is difficult to define. Beetham (1991) stated: 'Where police power is acquired and exercised according to justifiable rules, and with evidence of consent, we call it rightfully or

legitimate'. The wording 'rightfully' indicates that the concept is too narrow because legitimacy is not limited to rule-compliance, which is purely normative. Beliefs concern the moral framework of policing and consent concerns public acceptance and trust (Van der Vijver, 2006). Tyler and Huo (2002) performed research on enhancing police legitimacy and they arrived at three major conclusions: the police need public support and co-operation to be effective; public support and co-operation are linked to judgements about the legitimacy of police; and key antecedents of public judgements about legitimacy of the police and policing activities involve public assessments of the manner in which the police exercise their authority. Based on these assessments the concept of policing by consent became increasingly popular. Police power, which builds on the capacity to inflict or to initiate legal sanctions including force, has been or should be transmitted into authority power which is accepted on the condition that at least minimally legitimate standards are fulfilled. If not, public support will fail due to lack of consent. Therefore striving to optimise the legitimacy of policing lies at the heart of defining police ethics.

Closely related to police ethics are the accountability arrangements: ethics is also directly related to accountability: how to ensure the delivery of adequate policing and making policing acceptable to highly differentiated communities (Hills, 2009). Police accountability is not simply a matter of subordination to government; a more complex system of accountability exists in many police environments, relating to legal, financial, and organisational accountability. Several accountability mechanisms can help to nurture a police ethics culture, namely consultation and auditing processes; performance monitoring; external, informal and media accountability mechanisms; and tripartite procedures.⁸ In addition, it is vital for the police to formalise complaint procedures and other accountability structures (internal, external) that are robust and independent. This is so that they can be most predictive of unethical behaviour when personal characteristics, issues and organisational factors present inadequate constraints or unethical behaviour (Brass, Butterfield, & Skaggs 1998).

Increasingly, police governance is subject to changing relationships between the authorities and the police. Several publications deal with values and professional standards, ethics and codes of conduct, human rights and police laws. In this context one may refer to Kleinig (1996), who stated that we should not expect police ethics to characterise a distinctive type of ethics, but rather as the expression of a more general ethic within a police context. The ethical demands of the police are the demands under which we all are placed, by virtue of our common humanity. Some demands are however coloured by specific roles that police have to fulfil and by circumstances under which they must decide ('situational logic').

8 Internal accountability, judicial control, democratic (parliamentary) accountability.

7.4 The Interaction between Police Leadership and Ethics

The authorities and the public expect police officers to behave to the highest standards and to identify those whose behaviour falls below critical standards. They must have the means and ways to deal with misconduct, either as a criminal matter, a civil issue or of an occupational nature. A lack of trust is a problem in many workplaces and also within the police. Leaders increasingly recognise the importance of ethical performance. The best leaders exhibit both their values and their ethics in their leadership style and actions. Leaders that exhibit ethical behaviour powerfully influence the actions of others.

A group of senior police officers who convene on an annual basis as the Pearl Fisher group⁹ have developed a scenario study¹⁰ which identifies values such as ethics, transparency, accountability and legitimacy as key success factors in modern policing. On the one hand, there is the acknowledgement that centrally imposed national values are likely to be weak, and on the other hand, there is a reappraisal of fundamental and classic values: freedom, justice, fundamental rights, integrity, and solidarity. The Pearl Fisher Group seek to re-position the importance of police ethics in the context of shifting social structures; the increase of social freedom and individual choice; growth of individual values at the expense of traditional values; continuing importance of the media in shaping perception; growing interest for integrity and ethics; greater focus on credibility and reliability; room for innovative leadership and coaching; democratic enforcement and renewed sense of legitimacy; privacy swept away by ‘digital tsunami’ and by ‘governance by surveillance’.

One of the thought-provoking questions put to participants in the 2008 Pearls in Policing conference was: ‘Are you, as a top-level executive, capable of playing your leading and guiding role adequately?’¹¹ High profile examples of apparent ‘failure’ have led to renewed scrutiny of police leadership and management. Leadership is one of the most observed and least understood phenomena in the world. Police leadership and management are subject to renewed evaluation and scrutiny, partly because of the performance management culture that has been introduced into a large range of police organisations. We note, however, that the term leadership is inherently ambiguous and that it may hold different associations in different national environments. There is no homogeneous European concept of what constitutes an ethical police leader or manager.

A useful distinction can of course be made between types of leadership in terms of organisational processes involving more management assignments, tasks and respon-

9 School for Police Leadership, Police Academy (spl.politieacademie.nl).

10 Pearls in Policing 2009, The Hague, Police Academy, 112.

11 Pearls in Policing 2009, The Hague, Police Academy, 112 (25).

sibilities and operational leadership. Several police chiefs excel in management skills but do not always have the required leadership competences. Recruitment, training and career development within the police service have changed, with greater emphasis being placed on educational qualification, lifelong learning and the skills of the individual leader. This is perhaps the most obvious illustration of increasing police professionalism. Police agencies are required to recruit officers who are capable of developing strategic leadership, forward thinking, a learning attitude and a bias toward change. At first glance it might seem that a 'new' police has been created – wedded to both the demands of performance culture and professional ethics (Adlam, 2002). To the extent that senior police officers – police leaders – engage in the 'code of conduct' they constitute a distinct sub-category amongst the ensemble of governmental authorities. There are no universally agreed rules of ethics in leadership, no absolute standards or controls, and no fixed and firm reference points. This is fascinating given the huge importance of ethics in modern life and society (Terry, 1993).¹²

In order to further develop the concept of ethical police leadership it is interesting to analyse the rationale of policing and police leadership (Lasthuizen 2008). Police leadership succeeds in merging both the absolutist logic of value-rational conduct with the strategic and calculating logic of instrumental rationality. 'Moral panic' rationality moves into the foreground when it is no longer possible to rely upon police competence in a technical sense or when it is no longer possible to sustain the image of the police as fair and just. Miscarriages of justice, abuses of power and the failure of police to comply with human rights standards contribute to a normative crisis. The role of the media is especially significant in this respect (Adlam, 2002).

At first glance socio-political professional, moral-panic and economic rationalities seem to provide a comprehensive account of the ways in which police leaders govern police organisations. Closer examination makes it possible to discern the presence of an idealistic and radical rationality. This rationality stems from conceptions of human nature that emphasise human power and potential to approach valued social and personal end-states – such as increased co-operation, better integration, 'true' autonomy or heightened authenticity. Thus a 'critical-emancipatory' rationality finds expression in the practices of police leadership and management. Police leadership expresses itself through four kinds of rationality: economic, moral-panic, socio-political professional and critical-emancipatory (id., 2002).

The striking advances of an economic rationality and a new managerialism in policing have tended to obscure the fact that police leaders and managers manifest and sustain other rationalities in their leadership practices. In consequence it is neither possible

12 An interesting concept developed by Terry is the Action Wheel, highlighting several aspects of leadership and ethics, including ethical sensibility, tools, methods and motivation, principles and meaning. Bob Terry (1993); www.action-wheel.com/.

nor accurate to reduce police strategic thinking and policy formation to any single philosophy such as quality of service, or best value. Instead, a number of governmental rationalities co-exist in practices of police governance. These rationalities reflect different value-priorities and are based, even in the case of a post-modern rationality, on enduring themes drawn from the history of ideas. The proliferation of governmental rationalities in policing hints at the possibility that police leaders have developed multiple and competing axioms in relation to the rationales underpinning why things are done the way they are in police organisations.

Transformational leadership contains four components: charisma or idealised influence, inspirational motivation, intellectual stimulation and individualised consideration (Bass & Avolio, 1993). If the leadership is transformational, its charisma – or idealised influence – is envisioning, confident, and sets high standards for emulation. If such leadership is authentic, it is characterised by high moral and ethical standards. Transactional leadership involves contingent reinforcement. Followers are motivated by the leader's promises, praise and reward. Transformational and transactional styles of leadership have strong philosophical underpinnings and ethical components. Critics argue that transformational leadership is unethical. They contend that its rhetoric may appeal to emotions rather than to reason (Bass & Steidlmeier, 1998). They contend that it lacks the checks and balances of democratic discourse and power distribution. But contrary to being unethical, transformational leaders identify strengths or values and unifying purposes of the organisation and its members liberate their human potential, and foster pluralistic leadership, and have effective, satisfied followers (Hickman, 1993).

Ethical high performers have a long-term view. The business case for a strong ethical culture rests in part on the notion that 'flight to integrity' will occur in the wake of every scandal. Reputation risk today is as great as if not greater than strategic and operating risk. Therefore highly ethical firms measure the integrity of the company and their leaders. Integrity management involves auditing and monitoring various indicators. For line supervisors, typical reports concern the number and severity of ethical or compliance incidents in their department; the percentage of subordinates who know the company's policies and code of conduct; the percentage of employees trained to recognise the key risk factors that could result in malfeasance in the department; the degree to which formal monitoring, detection, auditing and compliance are practised; the degree to which informal detection mechanisms are working; remedial steps taken and progress made in addressing ethical shortcomings identified in previous audits (Wright, 2008). Until now, there has been little reflection on whether and how police leadership values should be projected onto the European police officer of the future, who will increasingly be expected to serve beyond national boundaries.

7.5 Police Ethics within the Member States of the European Union

When mapping these considerations onto the emerging European arena of policing, we may observe that the EU, its institutions and Member States have promoted freedom and security by creating an elaborate regulatory framework. Although Europe guarantees respect for human rights, the rule of law and solidarity, there has been little interest for police ethics. The lack of interest may not be surprising given the fact that the European agencies have no executive powers. Nevertheless, given the potential sensitivity of a normative crisis in international law enforcement co-operation, one could expect two types of initiative at European level: a general initiative to enhance police ethics Europe-wide and specific ethics based initiatives.

Some ethical aspects have already been paid attention by the EU. The EU, which now includes 27 Member States and which has adopted hundreds of instruments in the area of policing, does not have its own Police Ethics Code (though it incorporated the Charter of Fundamental Rights in the EU Treaty of Lisbon). No specific initiatives have been taken. However, the Council of Europe's European Police Code of Ethics¹³ objective to achieve greater unity between its members has been officially accorded by the EU Council. The Police Ethics Code of the Council of Europe is often referred to but it seems to pay little attention to human rights and unfortunately many countries have not implemented the European Code of Police Ethics.¹⁴ Legislative developments have been central in activating and renewing ethical policing. Increasingly, human rights acts¹⁵ have placed responsibility on all public bodies to ensure that their actions are compatible with the European Convention on Human Rights and with the Universal Declaration of Human Rights. The UN Code of Conduct for Law Enforcement was initiated on 17th of December 1979 and is generally known by police practitioners. Europol has its own ethics code emanating from the ICT affair that it had a few years ago. Within the EU more generally however, policies are not formed on ethical considerations.

Many EU Member States have or are reorganising their police to promote and consolidate democratic values. They have highlighted how critical it is for police officers to act fairly, professionally and with honesty and integrity, and have signalled the importance of securing public confidence in the police (Quinton & Miller, 2003). They are also concerned to secure common policing standards across national boundaries in

13 The European Code of Police Ethics, Recommendation Rec (2001) 10, adopted by the Committee of Ministers of the Council of Europe on 19 September 2001 and explanatory memorandum, [www.coe.int/t/e/legal_affairs/legal_co-operation/police_and_internal_security/documents/Rec\(2001\)10_ENG4831-7.pdf](http://www.coe.int/t/e/legal_affairs/legal_co-operation/police_and_internal_security/documents/Rec(2001)10_ENG4831-7.pdf).

14 Recommendation Rec (2001)10 of the Committee of Ministers to member states on the European Code of Police Ethics.

15 For example: UK 1998, Australia 2004, New Zealand, 1993.

order to meet the expectations of increasingly mobile Europeans, who – in view of equity of justice – wish to rely on uniform, fair and predictable treatment by police. The changing context of policing in recent years has given renewed prominence to the ethics of the police service, especially at national level. All the national approaches in the Member States of the EU are based on the set of assumptions of modern policing, namely community involvement, a proactive approach that emphasises prevention, professionalism, innovation and problem-solving, and an integrated view of criminal justice. However, with the rise of the new policing strategies (i.e. community policing, problem-oriented policing and intelligence-led policing) and with the acceptance of police discretion as a necessary part of police work, police ethics become more prominent. Different systems have been established to enhance police ethics. Some countries focus on a system of oversight and control, others opt for an enhancement strategy (Maesschalck, Hutsebaut & Devis, 2007).

A growing number of police agencies are in the process of adopting a code of police ethics, in a more or less articulated form. Nevertheless police ethics is still at the beginning of its development. Some countries focus more on integrity (e.g. the Netherlands);¹⁶ others opt for a code of conduct sometimes qualified as a deontology code (e.g. Belgium)¹⁷ or for the establishment of professional standards units and police misconduct procedures (UK). The Belgian Code on Ethics is rather elaborate and it is closely connected to disciplinary law. This is due to the fact that the debate on ethics within the police force gained in importance after the ‘Dutroux crisis’. Within the context of policing, there are incidents that may force a police chief to resign. Theoretically, Belgium is not underperforming, but there is a need for more empirical findings to substantiate this claim. Most EU Member States primarily rely on a legal framework resulting from international human rights standards which are binding upon national laws and integrated in police codes. In the new EU Member States, ethics feature on the agenda quite prominently, despite a continuing struggle with endemic corruption in the law enforcement services.

In societies in which citizens are becoming increasingly anonymous and disengaged, individualism will impact seriously on policing as the public police service may not be able to count on the assistance of citizens. Faced by this growing public disengagement and eroding legitimacy, police may slip into uncertainty. One of the expected backlashes is the return of a more repressive police authority, with which governmental authorities seek to re-assert their control over areas where they have lost it. Meanwhile, more concerns are expressed about the intertwinement between ‘new policing’ and the emergence of the surveillance society, partly as a consequence of the impact of new technologies on policing. There are several other concerns, such as: Is it possible,

16 Visiedocument Raad van Hoofddcommissarissen, 2001.

17 K.B. 10 May 2006, B.S.30 05 2006.

or even likely, that the police agencies will not be able to keep up with rapid societal changes, each of them creating new expectations? Is the gap between management cops and street cops still growing? What is the impact of parliamentary accountability at national and at European level? Will the police become the adversary?

If one considers national or international instruments in the field of police ethics, including that of the police, which instruments come to mind? Are these instruments implemented sufficiently? Are these instruments up to date in the current changing security environment? The main reason why implementation of ethics instruments still faces barriers is the high 'cocooning factor' within police services. They tend to still think and act in an introverted manner. It is, in a way, unfortunate that ethics codes only draw attention when there is an incident. Therefore, codes should be continuously updated and optimised. Police officers have to perform according to ethical standards; the way in which they do so is an element of police professionalisation. Showing the 'dark side' of policing is necessary and should be supported by a strongly developed accountability philosophy and strategy. Internal oversight is therefore insufficient and in many countries there is a strong need for external oversight mechanisms that oversee police actions (this in addition to the classic punitive system where illegal behaviour is punished).

As police organisations remain 'closed communities' to outsiders of the so-called 'blue brotherhood', some police forces may continue their long-standing ability to operate independently and without close public scrutiny. Given the salience of security in local, national and international political agendas, it may be expected that politics will increase its grip on this professional organisation. The impact of the media on public perception and the influence of the media are continuously developing: in modern societies, where news travels fast and where citizens are critical and instant observers of police performance, 'normal' and 'formal' accountability procedures may have to be complemented with other mechanisms.

7.6 Ethical Challenges in the Evolving EU Internal Security Architecture

What are the challenges, threats and opportunities we will face in the context of the evolving EU internal security architecture, now and in the future? As we have sought to describe and analyse in this chapter, there are numerous policing developments at the level of the EU which have a practical and strategic impact on the ethics culture. For one, there is the concern that higher priority for internal security may result in a vast cross-border complex of new police investigation powers, which may worsen a schism between international police co-operation and civil liberties. Next, there is a growing danger of misuse of power and abuse of authority by police officers who are in charge within largely unaccountable transnational environments.

After a slow start, the European co-operation on internal security issues has gained momentum. First, there was the European Convention on mutual assistance in crimi-

nal matters (1959), then the Benelux Treaty on extradition and assistance in criminal matters (1962), and later, the breakthrough on the basis of the Schengen Convention (1990), next to a lot of other agreements concluded on a bilateral basis. During recent years, the EU has continued to enlarge its role in realising co-operation in the field of police, customs and justice, and in developing a coordinated policy with reference to asylum, immigration and controls along external borders. This tendency has continued since the Lisbon Treaty entered into force.¹⁸ This Treaty and the preceding Treaties of Maastricht (1992), Amsterdam (1998) and Nice (2001) have gradually added profile to a common judicial framework in the field of justice and home affairs, and have led to the integration of policy areas and other matters within the European Union. The Lisbon Treaty consolidates the Area of Freedom, Security and Justice, which also involves police co-operation. This is not an exclusive competence of the EU, as are the currency policy and the customs union. It is a shared competence of the Union and the Member States. However, operational police co-operation remains in the sovereign hands of the EU Member States.

The following trends may be identified. First of all, the principle of sovereignty remains the basis for operational law enforcement co-operation in the field of police and justice. Second, considerable efforts have been undertaken to promote cross-border co-operation, partly on the basis of bi-lateral agreements, and increasingly based on the growing corpus of international treaties, of which the Benelux Convention (Benelux Treaty on extradition June 27th 1962), the Schengen Treaty (1985, 1990) and the EU Treaty are the most important ones. Third, the police made a head start on international judicial co-operation, but during recent years judicial co-operation has proceeded with great strides. Initially their progress was based on treaties concerning judicial co-operation developed in the framework of the Council of Europe, and now it is based on modern treaties such as the 2000 Convention on mutual assistance in criminal matters of the European Union and the 2000 UN Convention against cross-border organised crime. Fourth, the effectiveness of preventing and fighting cross-border crime depends more and more upon anti-crime databases and the sharing of information and intelligence. Fifth, police co-operation has developed from the exchange of data and concrete but limited co-operation on the basis mutual legal assistance to more comprehensive cross-border actions and joint investigative teams. Sixth, justice is increasingly able to co-operate internationally via the transfer of proceedings in criminal matters, the transfer of sentences, and recently, notably, the introduction of the European arrest warrant. Seventh, European international police (Europol) and judicial (Eurojust) organisations have been established. These organisations not only guarantee information exchange and analysis – in line with the activities of Interpol

18 Approved on June 18th 2004 by the Intergovernmental Conference of the Heads of states and the Heads of Governments. Entry into force: 1 December 2009.

since its creation in 1923 – but are also able to play a co-ordinating role in investigations. They also have the remit to initiate or expand investigations.

Within the EU, almost all possibilities concerning intergovernmental co-operation are now within the reach of police and justice, increasingly with the participation of Europol and Eurojust. But in practice things are less rosy than the political forum would like us to believe, especially since national implementing laws often significantly weaken European ambitions, for example the joint investigation teams (Fijnaut, 2004). For instance, the framework which would lay down the conditions under which investigations can be performed abroad ‘got stuck in nice words’. Transnational crime often moves easily across internal borders while police and justice fail to provide an effective and common approach (Broeders & Sie Dhian Ho, 2004; Den Boer, 2010). Examples include the difficulties encountered in the creation of the (earlier mentioned) first EU joint investigative teams, where legal difficulties and the old culture remain the main obstacles. A lack of confidence, also after the enlargement of the Union, still hampers operational co-operation, and continues to block the way to the exchange of information. The lack of trust between national security and intelligence services in the fight against terrorism remains another major problem to overcome. Moreover, the European Parliament has been adamant that it will guarantee a balanced approach between enhancing security and safeguarding fundamental rights. Crucially, the proliferation of instruments has given rise to questions concerning the protection of privacy in the use of the many electronic databases containing personal data.

7.7 Europol: Ethical Implications of a More Proactive Approach to Crime

In view of a comprehensive strategy against transnational organised crime and terrorism, the EU has embraced the precautionary principle, which is marked by preventive policing, early intervention in fragile environments, and the use of proactive methods of investigation. In 2000, the EU Member States signed a convention on the mutual assistance in criminal matters, enabling controlled deliveries, infiltration and joint investigative teams.¹⁹ Controlled delivery is no longer limited to the illegal trafficking of drugs – as is the case in the Schengen Convention – but will be used according to the procedures of the requested Member State. The regulation of infiltrators is aimed at infiltration by officials; thus, infiltration by civilians is not allowed under this agreement. Joint investigative teams can be created for a particular objective and for a limited period of time, while investigations are carried out in terms of the national law of the Member State where the team is active.

¹⁹ Also: Framework Decision of the Council of June 13th 2002 on joint investigative teams (2002/465/JBZ, PB L 162/1, 20 06 2002).

The EU police agency Europol seeks to promote the intelligence-based approach to transnational crime and terrorism. The agency was created on the basis of article K1.9 of the Treaty of Maastricht, which states that ‘police co-operation for the purpose of preventing and combating terrorism, unlawful drug-trafficking and other forms of international crime’ must be realised. Within five years of the Treaty of Amsterdam entering into force, Europol had to be enabled to facilitate and support the specific investigative actions of the competent authorities and to facilitate their co-ordination and the operational work of joint teams in which representatives of Europol play a supporting role. It soon became clear, according to Zanders (1999), that only a supporting and not an independently executive competency was foreseen for Europol. The impact of Europol’s co-ordinating role has been limited because a lot of police officers in the field still work bilaterally (the so-called ‘old boys network’).

Since the late 1990s, Europol’s existence has been turbulent because it has had to adjust to at least five contextual shifts (Bruggeman & Den Boer, 2007). Europol grew from 15 Member States in 1998 to 27 in 2007. Policy priorities have been recast and re-ordered.²⁰ New actors emerged that had the potential to compete with Europol (Eurojust, Frontex, OLAF) (Mitsilegas, 2006, p. 3). The legal-instrumental context has changed because of the introduction of the principle of availability.²¹ More generally, the political expectations of Europol have intensified since 9/11.²² Reactions to this shift in context have produced a set of institutionally embedding issues, and direct and indirect challenges for Europol and its supporters.

A key element in this process is intelligence-led operation and co-operation. However, as the implementation of such a framework for the whole EU internal security is a long term objective, it was decided that this process would start in the field of organised crime, with the first Organised Crime Threat Assessment (OCTA) made available by Europol in June 2006. In the longer term the process will be expanded to other fields and gradually become a global approach encompassing all subjects and actors of internal security, including terrorism, illegal immigration, cross-border volume crime, and risk and crime assessment of major events.

The OCTA resulted from the Hague Programme (2004), which called upon Europol to replace its annual Organised Crime Situation Report with Threat Assessments on serious forms of organised crime. The OCTA uses a multi-source approach. This

20 Various action programmes have had an impact on Europol, particularly the Action Programme on Organised Crime 1997, the Tampere Programme on the Area of Freedom, Security and Justice (1999), the Action Plan to Prevent and Combat Organised Crime (2000), the Action Plan to Combat Terrorism (2001), and The Hague Programme (2004, OJ C 53, 03 03 2005).

21 To be implemented from 1 January 2008, this principle of information exchange will affect the “horizontal” (i.e. direct co-operation) between the Member States, as it means that a law enforcement officer from one Member State can obtain data from another Member State.

22 The Anti-terrorism Action Plan 2001 gave Europol the task to create a team of anti-terrorism specialists from the Member States and this is currently accommodated within Europol on a more structural basis.

methodology was used to collect information from the widest possible area, not only from the law enforcement environment but also from key public and private partners thus providing more depth to the assessment of serious organised crime.

The developments with OCTA, which may eventually be replaced by a more practical and harmonised methodology, demonstrate that Europol is moving away from producing a mainly retrospective document towards proactive assessment, based on the assumption that it will assist decision-makers to base their mid-term and, if possible, longer term strategic planning on a sound foundation. OCTA is meant to identify and assess emerging threats. Furthermore, it describes the structure of organised crime groups and the way they operate as well as the main types of crime affecting the EU. Europol has been requested to issue a structured and detailed Intelligence Requirement, which will give Member States a clear indication of what information and criminal intelligence is needed.

When adopting its conclusions on the OCTA 2006, the Justice and Home Affairs Council of the EU required measures be taken at EU level, focusing on operational co-operation between the judicial and law enforcement authorities of all Member States and, where necessary, with the relevant third countries. Reference should also be made to the European Criminal Intelligence Model (ECIM), which is being drafted. Furthermore, Europol seeks to improve its international law enforcement co-operation by negotiating bilateral operational or strategic agreements with other States and international organisations. The EU Council Agenda on counter-terrorism granted Europol more powers for investigating the financing of terrorist organisations, radicalisation networks and Islamist fundamentalism.

The move towards proactive policing is also marked by the Hague Programme which contains specific provisions on terrorism, stating that: 'the high level of exchange of information between security services shall be maintained', while also 'giving particular consideration to the special circumstances that apply to the working methods of security services'. In addition, SitCen, which is based within the EU Council Secretariat, will provide the Council with strategic analysis of the terrorist threat based on intelligence and security services and, where appropriate, on information provided by Europol'.²³

The emphasis on proactive policing strategies raises new ethical challenges for Europol in particular, but also for transnational policing in the EU more widely. The future of an ethics-based policy will most likely be marked by a pragmatically oriented type of police co-operation. In a differentiated political reality, with growing Euro-scepticism, there may be little room for continued reflection on the creation of a European Criminal Justice Arena, nor for a comprehensive European strategy on law enforcement ethics. Nevertheless, discussions within law enforcement milieus may spur on a dynamic

23 The Hague Programme, OJ C 53, 03 03 2005.

which will gradually bring EU law enforcement co-operation onto a different plane. Similar to its national counterparts, Europol has to position itself in a complex game with moving targets. As far as 'good governance' challenges are concerned, Europol faces a shift of authority into several directions. Although law enforcement principally remains a national issue, extra-territorial jurisdiction pushes the authority towards multi-lateral organisations (NATO, EU, UN), towards multi-level governance levels (local, regional, national and supra-national) and towards a variety of actors (human security and privatisation are responsible for de-monopolising the provision of security). Crime and insecurity on the other hand can be less clearly defined, as patterns have become more fluid, networked, transnational, ad hoc, hybrid, mobile and inter-linked (Den Boer, 2010).

In summary, police organisations may run the risk of losing their bearings when it appears that there is no easy diagnosis of law enforcement governance and analysis of crime and insecurity. In an era where law enforcement performance becomes more challenging and complex, great demands are placed on professionalism, leadership and vision that can navigate the relevant organisations successfully through a period of transformation. Amidst this intricate web of challenges, Europol may be in the position to reposition itself as a centre of professional excellence which can interlink crime scenarios with professionalisation models, founded on a legal basis offering more space for the flexibility and creativity (Bruggeman & Den Boer, 2007). A more proactive role for Europol illustrates the need for adequate tools and initiatives in order to enhance an ethical culture, not only within the Member States, but also at EU level, paying particular attention to European law enforcement agencies and to international co-operation in general.

7.8 Ethics in the Expanding European Surveillance Theatre

Recent initiatives have created new capabilities and responsibilities in cross-border co-operation within the European policing arena. With the expansion of cross-border mandates, increasingly with an operational remit in unknown or critical circumstances, the ethical challenges may be growing. For instance, the Prüm Convention on the 'stepping up of cross-border co-operation, particularly in combating terrorism, cross-border crime and illegal migration', signed in Germany on 27 May 2005 by Belgium, Germany, Spain, France, Luxembourg, the Netherlands and Austria, creates new operational possibilities for law enforcement co-operation. The Treaty promotes cross-border policing including measures such as joint patrols, cross-border surveillance and hot pursuit. It also promotes the deployment of armed air marshals and joint police operations including, in emergency cases, action in the territory of other contracting states without their prior consent. When operating in the territory of another contracting party, officers may wear their own national uniforms. The Treaty rules that the authorities of a Prüm state can confer sovereign powers to officers of another

Prüm state in joint operations, which then exercise their powers in accordance with the host state's laws. These provisions are modelled largely on the bilateral agreements on cross-border policing that Germany concluded with its neighbours in recent years. In the meantime, a substantial part of the Convention has been included in the legal framework of the EU.²⁴ Little attention has been paid however to the ethical aspects and consequences of these ambitious co-operation mechanisms.

In terms of European surveillance potential, the Prüm Convention contains far-reaching instruments that have significant consequences for the protection of civil liberties and fundamental rights. These include the establishment of national DNA analysis files and the automated search and comparison of DNA profiles (and fingerprinting data). Implemented on 1 January 2008, all this should lead to a situation where 'the mere fact that information crosses borders should no longer be relevant'.²⁵ Meanwhile, the European Union has sought to introduce the principle of availability, which means that the law enforcement officer of one Member State can obtain data (in the course of duty) from another Member State, and that the law enforcement agency in the other Member State will make it available for the stated purpose. On 12th October 2005 the Commission adopted a proposal for a Council Framework Decision on the exchange of information under the principle of availability.²⁶ The purpose of this Council Framework Decision is to determine the conditions and modalities under which certain types of information, available to competent authorities of a Member State, shall be provided to equivalent competent authorities of other Member States and Europol, in order to assist them in the execution of their lawful tasks for the prevention, detection or investigation of criminal offences. Available information is shared either by online access, or by transfer based on an 'information demand'. No obligation exists to collect information by means of coercive measures. Where, according to a national law, transfer of information requires authorisation from an authority other than the one that controls it, the authority that controls or handles this information (the 'designated authority') shall obtain this authorisation on behalf of the law enforcement body in the other Member State that needs the information. The provisions of the Framework Decision go beyond the exchange of information provided for by the Schengen Convention and constitute a new form of co-operation which did not previously exist. Supervisory and accountability mechanisms have not developed with the same speed and with the same priority.

Another important challenge in terms of cross-border law enforcement surveillance relates to the push for increased 'interoperability' of information systems. Currently,

24 Council decision 23 June 2008, PB L 201, 06 August 2008.

25 Memo/05/367, Brussels 12 October 2005 (Europa: press releases), p. 2.

26 Memo/05/367, Brussels 12 October 2005 (Europa: press releases).

there is no direct interface between EU databases such as EIS,²⁷ SIS²⁸ and EURO-DAC.²⁹ In combination with the Prüm Treaty, which provides for the international exchange of biometric data and DNA, the assumption is that if these systems become more interactive, a better quality information position may be ensured which should avoid the registration of the same person under different names or identities in the respective databases, without joint knowledge. This issue presents itself of whether EU databases ought to be separate, interlinked or even integrated, with or without a common technical platform. Although the impact of these developments on personal privacy is a consideration, there is hardly any debate about the ethical challenges for professionals evolving from the vast potential of electronic data-exchange.

Without prejudice to the initiatives (draft framework decision on the simplification of the information exchange between the member states of the European Union, namely with reference to serious crime such as terrorism), the Commission published a Communication entitled 'Towards enhancing access to information by law enforcement agencies'.³⁰ If and when obstacles³¹ are to be overcome, several new opportunities for information-exchange will arise, including mutual access to national databases, or direct access – for Europol too – to the central EU databases, such as the SIS. Data protection is a central issue to any discussion on police co-operation. At the moment there is no EU data protection framework for police information exchange. In the light of the increased EU exploitation of biometrics and the increased interoperability of databases, data protection rules will have to be reconsidered.³²

7.9 A Normative Epilogue: Should the EU Adopt its Own Code of Police Ethics?

A quick glance at the role of police in a democracy reveals the growing relevance of a code of ethics for the police. People living within the EU have organised their states to

27 EIS = Europol Information System.

28 SIS = Schengen Information System.

29 Eurodac = European Fingerprint System for Asylum Seekers.

30 COM(2004) 429 final of 16 June 2004.

31 Such as: no obligation for Member States to provide information, differences in conditions for access, no efficient mechanism for knowing what information is available in another Member State, no uniform procedures, too strong an influence by central authorities, differences in data protection, cultural problems, lack of training etc.

32 On 4 October 2005 the Commission adopted a proposal for a Council Framework Decision on the protection of personal data processed in the framework of police and judicial co-operation in criminal matters (third pillar). This was necessary because Directive 95/46/EC, on the protection of individuals with regard to the processing of personal data and on the free movement of such data, does not apply to activities that fall outside the scope of Community law, such as those provided for by Title VI of the TEU. The Framework Decision ensures that fundamental rights, with special attention to the right to privacy and the protection of personal data, will be respected throughout the EU, in particular with regard to the implementation of the principle of availability.

secure maximum freedom within the context of the rule of law. Likewise, the criminal justice systems have been developed with the purpose of providing individual liberty and security. The police fulfil various roles and provide several services to the public that are of a social nature. They are granted discretion to fulfil these functions across national borders even now. Each of these functions gives rise to specific ethical concerns and possible standards. The Action Programme under the Belgian Presidency of the EU (second half 2010) offers an opportunity to prioritise the issue. In the creation of a genuine European ethical law enforcement culture, mutual trust is an indispensable ingredient.

A universal European code of ethics and conscience could and should be promoted within the EU. Not only now but in the future too, the potential danger for misuse of power and abuse of authority by the men and women in charge (Stephens, 2005, p. 56) will remain a threatening phenomenon. Such a code should allow for situational approaches provided that these do not conflict with universal values (including those values based on human rights). Blind spots – in which we either do not recognise the importance of ethics or where we think they are implicit in a relevant police practice – should be avoided. For instance, in contact with the citizens, ethics has a role in the professional attitude of police officers. This is relevant both in preventive as well as in repressive performance by the police. First, the Community Policing (COP) model has come under pressure as police work is becoming more difficult in the face of growing violence and crime. Second, the ‘technologisation’ of police work is another dimension which will have a serious impact on the ethics of the job. When one looks at the use of cameras, RFID, GPS etc, ethical conscience is shifted as the ethical alarm bell, which is normally part of individual reflection by the police officer, is pushed back (e.g. in nodal policing). Third, international co-operation, which is central to the discussion in this chapter, implies that police co-operation across borders will become more evident and may cultivate a climate in which trust and reciprocity are taken for granted without an explicit ethical reflection. International police co-operation can either be a threat or a blessing for ethics. A fourth dimension is that globalisation may imply a levelling of ethics, which means that high ethical demands may be downplayed to fit those of the lowest common denominator.

A ‘global constabulary ethic’ as promoted by Andrew Goldsmith and James Sheptycki (2007) may be desirable, but we should keep an eye on the vast differences between security practices and levels of professionalisation, as is argued by Alice Hills (2009). Under the Spanish Presidency of the EU in the first half of 2010, a proposal was submitted for an internal security strategy for the EU which addresses the protection of rights and the promotion of freedom. The EU is a multilateral framework that has the potential to consolidate a security model based on the principles and values of the EU: respect for human rights and fundamental freedoms, the rule of law, democracy, dia-

logue, tolerance, transparency and solidarity.³³ This in itself is a sound basis for establishing specific police ethics at EU level. The creation of the European Fundamental Rights Agency, by some viewed as redundant as we already have the European Court of Human Rights under the aegis of the Council of Europe, reflects a level of seriousness with which the EU has taken up the task of protecting and enveloping fundamental rights and freedoms within the EU itself.³⁴ In addition to existing ethics-based international instruments, the Stockholm programme, although not being direct on this subject, highlights some interesting items, such as the respect of fundamental freedoms and integrity while guaranteeing security in Europe. The vast list of topics ought to be enriched by values and norms already the subject of national instruments, in order to enhance the global 'ethical acquis' and the integrity and legitimacy of policing throughout the EU.

Although some basic values and norms can be extracted from recent EU programmes on internal security, the initiative to create a police code is limited to the development of a Police Co-operation Code. In striving for more trust, especially between law enforcement agencies, it would be preferable to cover ethical items more generally. In line with a more intensive and intrusive international and cross-border co-operation, citizens will be the subject of police activities depending upon support activities of other police organisations and EU agencies be it in another European Member State or active at European level.

Defining and redefining the role, expectations and behaviour of police personnel, based on common values, norms and standards, would enhance the global professionalisation of the police forces and agencies. Based on existing international codes, it is also advisable to create as soon as possible a code of conduct for all police forces and agencies active within the EU. A culture of entitlement can only be reduced by a culture of ethical accountability. Accountability needs to be self-initiated and organisation-generated. Officers in general, more particularly officers in charge, should review their respective values through competent national and European training initiatives and frank discussion of the emotional demands of the job. They should also participate actively in dilemma training, focussing on international co-operation situations (Lamboo, 2006).

Even then 'core' ethics will give way to 'situational ethics'. This potential shift from core ethics to situational ethics occurs in an emotionally charged atmosphere of the demands under which officers work, strongly impacted by national cultures and legal frameworks. Particularly in situations linked to international co-operation, there is a need for an early identification system, identifying officers who may be in trouble. International agencies should maintain a balance between continuity and rotation of

33 Draft internal security strategy for the EU, Spanish Presidency of the EU; 2010.

34 JHA trio Presidency programme, JAI 1, Brussels, 4 January 2010.

assignment. Internal Affairs departments remain crucial for investigating wrongdoing by members of the organisation. We argue in favour of more research which singles out specific ethical challenges and maps these against the impact of variables, such as culture, leadership, monitoring, training, recruitment, and sanctions.³⁵

Throughout this chapter, we have established that police leadership is regarded as a relevant factor in view of police ethics. Police leaders can pay more attention to having a vision and strategy. Also he/she has to introduce mechanisms that promote ethics within the force. Even though the European Police Academy, CEPOL, has incorporated police ethics in its curriculum, training and education should be more inspired by ethics than is currently the case within most training and education centres. Furthermore, ethics ought to be an integral part of police management and leadership and should also become an integral element of all processes. The conditions for the implementation of an ethics-based culture are: 1) transparency; 2) management and evaluation; 3) a business plan; 4) ethics should be the subject of discussion; 5) and institutional supervision (e.g. in the form of an ombudsman, such as in the city of Antwerp). Personal experience is also important. And this has to be realised through coaching, interaction and mentoring.

The identification and dissemination of 'good ethical' practices may have more persuasive power than theories. These good practices should also be found and located on other continents and in other countries (e.g. Singapore³⁶). As mentioned, there is an urgent need to enhance the internal coordination in order to achieve coherence between external and internal elements of work in the EU Area of Freedom, Security and Justice. The same need for coherence and coordination applies to the European agencies which are active in the field of security (Europol, Eurojust, Frontex, CEPOL, the Lisbon Drugs Observatory, the Fundamental Rights Agency, and the future European asylum support office). Finally, the merging of internal and external security, as well as the introduction of new security technology, will give rise to new ethical dilemmas. Future EU action programmes may advocate an integrated ethical strategy, which takes account of recent shifts in security and policing.

35 An example of international comparative empirical research on value dilemmas of security professionals is Workpackage 3: the INEX project which is financed by the FP7-programme of the European Commission. The results of a literature review have been published on the INEX website, and the empirical findings are due to be published in a policy recommendation report which is scheduled for publication in October 2010 (www.inexproject.eu).

36 See interview with Commissioner Khoo Boon Hui, stressing that three factors play a role: the wealth of information, police reliability, and the police objective to get things done. In: *Wanted, alert police leaders*, Police Academy of the Netherlands, 2009, p.13. An example is work undertaken in the production of an informed Handbook on Police Ethics, which comprises a synthesis of good practices in Europe and Asia, under the aegis of the Asian European Foundation (ASEF).

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